

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *g* D.C.
05 MAY -2 PM 4:43

ROBERT B. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

ALMA ROBINSON,)	
)	
Plaintiff,)	
)	
vs.)	No. 04-2333 D/V
)	
FIRST HORIZON EQUITY LENDING,)	
)	
Defendant.)	

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO STAY PENDING PLAINTIFF'S FULL COMPLIANCE
WITH FEBRUARY 9, 2005 ORDER

Before the court is the March 31, 2005 motion of the defendant, First Horizon Equity Lending ("First Horizon"), requesting that the court enter an order staying the above-styled civil action pending the plaintiff's full compliance with the court's February 9, 2005 order. The motion was referred to the United States Magistrate Judge for determination. For the following reasons, the motion is granted in part and denied in part.

On February 9, 2005, the court ordered the plaintiff, Alma Robinson, to serve her initial disclosures and respond to First Horizon's first set of interrogatories and first request for production of documents. The court also ordered Robinson to pay the defendant's attorney fees incurred in connection with the

filing of the motion to compel. Robinson served First Horizon with her initial disclosures and discovery responses on February 18, 2005 but has not paid the defendant's attorney's fees.

On March 31, 2005, First Horizon filed a second motion to compel claiming that Robinson's initial disclosures and discovery responses were deficient. The court has entered a separate order on this date directing Robinson to respond fully to First Horizon's request within eleven (11) days from the date of entry of the order. The court has also entered another order this day instructing Robinson to pay \$1,075.00 in attorney's fees within thirty (30) days.

First Horizon now asks that the proceedings in this case be stayed until Robinson has fully complied with the court's February 9, 2005 order and has paid the attorney's fees the court ordered her to pay. Without a stay of the proceedings, First Horizon contends that it will be unable to complete the discovery necessary to prepare dispositive motions by the May 31, 2005 deadline.

After reviewing First Horizon's request, the court has determined that the proper course to take in this case is to extend the discovery deadline and the deadline for filing dispositive motions rather than stay the entire proceeding. This will allow discovery to proceed and will provide First Horizon the time necessary to prepare dispositive motions once it has received

Robinson's supplemental disclosures and discovery responses.

Accordingly, First Horizon's motion to stay is denied. The deadline for completing all discovery is extended until May 31, 2005, and the deadline for filing dispositive motions is set for June 30, 2005. All other deadlines established in the scheduling order remain the same at this time.

IT IS SO ORDERED this 2nd day of May, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 29 in case 2:04-CV-02333 was distributed by fax, mail, or direct printing on May 3, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT